

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEOPOLDO MEJIA and
OLIVIA LORENZO,

Defendants.

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8:06CR182

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 74) . The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant, Olivia Lorenzo, has entered into a Plea Agreement, whereby she has agreed to plead guilty to Counts II and III of the Indictment. Count II of said Indictment charges the Defendant with possession of false identification documents, to wit: social security cards, a violation of 18 U.S.C. § 1028(a)(4). Count III of said Indictment charges the Defendants with using \$6,170.00 and \$26,940.00 in United States currency to facilitate the commission of the false identification violation and charges said personal properties are derived from proceeds obtained directly or indirectly as a result of the commission of the false identification violation, in violation of 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

2. By virtue of said plea of guilty, the Defendant forfeits her interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

3. The Defendant, Leopoldo Mejia, has not been adjudged guilty of any of the charged offenses, and therefore a motion for preliminary forfeiture is premature.

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is sustained as to the Defendant, Olivia Lorenzo;

B. The United States' Motion for Issuance of Preliminary Order of Forfeiture is held in abeyance as to the Defendant, Leopoldo Mejia;

C. Based upon Count III of the Indictment and the Defendant Lorenzo's plea of guilty, the United States Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska ("ATF") is hereby authorized to seize the following-described properties: \$6,170.00 and \$26,940.00 in United States currency;

D. The Defendant Lorenzo's interest in said properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by ATF in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant Lorenzo, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within

thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 3rd day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge